

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Loren Lindahl at 7:00 p.m. and opened with the Pledge of Allegiance. The Mayor informed the public of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members present: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar.

Motion was made by Lawver, seconded by Kavan, to approve the following items listed on the consent agenda:

1. Minutes of December 8, 2016 meeting of the Mayor and Council
2. Licenses: HVAC: Eugene Lee, Lee's Refrigeration, Seward; Electrician: Kenneth Dukat, Gateway Electric LLC, Gretna.

Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

Svoboda reported the Airport Authority met. Tyler reported Board of Public Works met. Harrell distributed preliminary information on proposed Sycamore Hills development. Harrell reported a street department vehicle was involved in an accident last week.

Public hearing on the Board of Public Works budget for 2017 opened at 7:03 p.m. Tyler reported the budget anticipates a 1.5% rate increase for electricity and water in the future, which will be implemented if needed. No public comments were offered. A motion was made by Kavan, seconded by Lawver, to close the public hearing at 7:04 p.m. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

A motion was made by Lawver, seconded by Dunbar, to approve the 2017 Board of Public Works budget as submitted. Roll call vote: Lawver, yes; Dunbar, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

Public hearing on Application for Conditional Use Permit in C-2 Zoning District for pole sign on property described as a tract in the E ½ SE ¼ Sec 9-T14-R7E, Saunders County, commonly known as 1750 County Road J, as requested by Sid Dillon Wahoo, opened at 7:05 p.m. Beavers reported the Planning Commission recommended approval, plans meet regulations for height and setback, and NDOR approval is still needed. No public comments were offered. A motion was made by Lawver, seconded by Svoboda, to close the public hearing at 7:08 p.m. Roll call vote: Lawver, yes; Svoboda, yes; Kavan, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

**Ordinance No. 2233** was introduced by Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, ON-PREMISES POLE SIGN IN C-2 ZONING, ON A TRACT IN E ½ SE ¼ 9-14-7. The Mayor then instructed the Clerk to read Ordinance No. 2233 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2233 by title.

Council Member Dunbar moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Lawver seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll

and the following was the vote on the motion to suspend the rules: Roll call vote: Dunbar, yes; Lawver, yes; Kavan, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2233 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2233 be approved and passed and its title agreed to. Council Member Lawver seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Dunbar, yes; Lawver, yes; Tyler, yes; Krejci, yes; Kavan, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

The Mayor reported that after creation of the EMS Department and a job description for the department head position, interviews were conducted with five applicants. The Mayor submitted his appointment of Grant Anderson to the position. A motion was made by Krejci, seconded by Svoboda, to approve the Mayor's appointment of Grant Anderson as EMS Department Head. Roll call vote: Krejci, yes; Svoboda, yes; Dunbar, yes; Lawver, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Harrell reported instances of vehicles parking in several areas along or on the newly-completed Maple Street Trail. Council Member Kavan introduced the following resolution, Resolution No. 2016-17, and moved for its approval, seconded by Lawver,

“WHEREAS, the Governing Body of the City of Wahoo, Nebraska, has enacted a Municipal Code, and,

WHEREAS, Wahoo Municipal Code Section 70.01 adopts all portion of the Nebraska Rules of the Road and incorporates them by reference into the Wahoo Municipal Code, and,

WHEREAS, Section 60-680 (1)(b) of the Nebraska Revised Statutes provides the following:

“(1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of police power may: ... (b) Regulate traffic by means of peace officers or traffic control devices;” and

WHEREAS, Section 60-624 of the Nebraska Revised Statutes defines a highway as follows:

“Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.” and,

WHEREAS, Section 60-670 of the Nebraska Revised Statutes defines a traffic control device as follows:

“Traffic control device shall mean any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.” and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, as the City of Wahoo’s Governing Body, do desire to adopt this resolution providing for prohibiting parking at certain locations in the City of Wahoo, and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wahoo, Nebraska, as follows:

Section 1. That the finding hereinabove made should be and are hereby made a part of this Resolution as fully as if set out at length herein.

Section 2. That traffic control devices, to wit: one or more no parking signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

- a. The east side of Maple Street south of 8<sup>th</sup> Street by the apartment complex, prohibiting parking along the east side of Maple Street.
- b. The east side of Maple Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street, prohibiting parking along the east side of Maple Street.

Section 3. That upon the approval of this Resolution, the aforementioned traffic control devices shall be erected and this Resolution shall remain in full force and effect until the removal of said aforementioned signs, at which time, this Resolution shall be of no force and effect.”

Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, no; and Dunbar, yes. Absent and not voting: none. Motion carried.

Conditional Use Permit for dance academy at 345 East 10<sup>th</sup> Street (Lot 1 and part of Lots 3, 10, 11 and 12, and vacated alley lying contiguous, in Block 115, and part of vacated Elm Street, County Addition) in R-2 Zoning district, requested by MLR Dance, LLC, was reviewed. Agreed to maintain conditions previously approved, with review date in 26 months.

**Ordinance No. 2234** was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, DANCE ACADEMY, IN R-2 ZONING, ON LOT 1, 2, AND PART OF LOTS 3, 10, 11 AND 12, VACATED ALLEY CONTIGUOUS, ALL IN BLOCK 115, AND PART OF VACATED ELM STREET, COUNTY ADDITION. The Mayor then instructed the Clerk to read Ordinance No. 2234 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2234 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Tyler seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Kavan, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regards to the passage and approval of ordinance be

suspended so that Ordinance No. 2234 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2234 be approved and passed and its title agreed to. Council Member Svoboda seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Lawver, yes; Svoboda, yes; Dunbar, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Conditional Use Permit for automobile sales and service at 1149 and 1159 North Chestnut Street (East 80.51 feet of the North 23.79 feet of Lot 11, East 80.51 feet of Lot 10, and East 80.51 feet of Lot 9 (except the north 5 feet thereof); the balance of Lot 9 (except the north 5 feet thereof), balance of Lot 10, balance of Lot 11, and the East 46 feet of Lots 12, 13, and 14, all in Block 3, Fairview Addition) in NRC Zoning District, as filed by Round Bale Logistics LLC. Separate legal descriptions for the two buildings were noted, in the event of change of use. Conditions as previously set, with review in 26 months was agreed.

**Ordinance No. 2235** was introduced by Kavan entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, AUTOMOBILE SALES, IN NRC ZONING, ON PART OF LOTS 9, 10 AND 11, BLOCK 3, FAIRVIEW ADDITION, AND PART OF LOTS 9, 10, 11, 12, 13 AND 14, BLOCK 3, FAIRVIEW ADDITION. The Mayor then instructed the Clerk to read Ordinance No. 2235 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2235 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Krejci seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2235 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2235 be approved and passed and its title agreed to. Council Member Krejci seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Kavan, yes; Krejci, yes; Lawver, yes; Dunbar, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same

and affixed signatures thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Conditional Use Permit for automobile sales at 316 West 11<sup>th</sup> Street (Lots 1, 2, and 3, Wahlstrom's Addition) in NRC Zoning District as filed by Ryan Vanek was reviewed. Beavers noted the lot is for sale. Review in one year under current terms was agreed.

**Ordinance No. 2236** was introduced by Svoboda entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY ALLOWING A PERMITTED CONDITIONAL USE, AUTOMOBILE SALES, IN NRC ZONING, ON LOTS 1, 2, AND 3, BLOCK 1, WAHLSTROM'S ADDITION. The Mayor then instructed the Clerk to read Ordinance No. 2236 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2236 by title.

Council Member Kavan moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Lawver seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2236 may be read by title and moved for final passage in the same meeting.

Council Member Svoboda moved that Ordinance No. 2236 be approved and passed and its title agreed to. Council Member Tyler seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Svoboda, yes; Tyler, yes; Krejci, yes; Dunbar, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Kenneth Jackson, Chief of Police, addressed the Council regarding a requirement, effective January 1, 2017, that all police agencies that use body worn cameras adopt a policy for training and records retention. This was mandated by the Nebraska Legislature and the Crime Commission. Jackson reported the department has been using the cameras for several years. A policy has been submitted to the Crime Commission for review and approval in anticipation of this requirement. Compliance with training requirements, records management procedures, and acquiring equipment will not be possible by January 1, and will have an associated cost. Jackson noted the policy mandate applies only to body worn cameras, and would not affect use of car dash cameras or other methods of audio or video recording. If the department stops using the cameras, no policy is required. Harrell stated this was reviewed with the insurance carrier, and there is no difference in liability coverage, whether body cameras are in use or not. A motion was made by Svoboda, seconded by Tyler, to discontinue use of body worn cameras by

the Wahoo Police Department, and adopt no policy for use of such cameras at this time. Roll call vote: Svoboda, yes; Tyler, yes; Lawver, no; Kavan, yes; Krejci, no; and Dunbar, yes. Absent and not voting: none. Motion carried. Lausterer noted this could be revisited in the future.

Walker Speckmann, Wahoo Utilities employee, asked the status of the wage study, and noted no cost of living wage increase was given in October, 2016. He was advised the Finance Committee will be reviewing the study information and look at a process for implementation.

Motion by Svoboda, seconded by Lawver to adjourn at 8:13 p.m.

Approved:

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Lucinda Morrow, Deputy Clerk

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Loren L. Lindahl, Mayor